

REMARKS

Claim 8 stands rejected under 35 U.S.C. § 102(b) or § 103(a) over Sato et al. (JP 10149958 A) alone or in view of Shimodaira et al. (U.S. Patent No. 6,038,123). In the Advisory Action of December 19, 2003, the Examiner asserts that it is held that the claimed product and prior art products are identical or substantially identical, or are produced by identical or substantially identical processes. It is respectfully submitted that this assertion has no reasonable basis. First of all, as regards the products obtained according to the claimed invention and the prior art (Sato et al. as the primary reference), claim 8 of the application requires that the activated carbon material have an electrostatic capacity density exceeding 80 F/cc. New claim 9 further requires that it be not less than 100 F/cc. On the other hand, Sato et al. (Japan No. 10-149958) teach in Table 1 that the products according to embodiments 1-3 as well as comparative examples 1-2 have the electrostatic capacity density values ranging from 0 to 39 F/cc. These prior art values are far lower than the claimed values and even lower than those of comparative examples disclosed in Table 2 of the subject application. Thus the teachings of Sato et al. are far away from the object of the present invention to provide an activated carbon having an increased electrostatic capacity density. Applicants therefore respectfully submit that the claimed product and prior art products are not identical or substantial identical, contrary to the Examiner's assertions.

Secondly, concerning the processes employed for obtaining the products, though the process steps are not recited in claim 8 or claim 9 since the present invention is now directed to the activated carbon, Examples III and IV, which relate to the processes using meso-phase pitch, require conducting an insolubilizing treatment at 320°C for 30

minutes in an open-air atmosphere. Sato et al. do not teach or suggest conducting such insolubilizing treatment prior to carbonizing treatment. Thus, it is totally unclear whether and how such treatment is carried out in Sato et al. As long as the insolubilizing treatment is not taught therein with specific values, it cannot be said that the process taught therein is identical or substantially identical to that of the claimed invention.

Moreover, in the case of Example III of the subject application, a water vapor activating treatment is conducted at 950°C for 5 minutes. In Example IV, an alkali activating treatment is conducted at 800°C for 5 hours. These specific values of activating treatment are not mentioned in Sato et al. Thus, Applicants respectfully submit that the claimed product and prior art products are not produced by identical or substantially identical processes, contrary to the Examiner's assertion.

For the foregoing, Applicants believe that the rejection of the claimed invention has no reasonable basis in Sato et al. Simodaira et al. fail to teach or suggest anything that can supplement what is lacking in Sato et al. in connection with the subject matter defined in claims 8 and 9.

Thus, for at least the above reason, reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 102(b) or § 103(a) are respectfully requested.

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No. 01-2300.

Respectfully submitted,

A handwritten signature in dark ink, reading "Robert K. Carpenter". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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